

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-196997

DATE: March 25, 1980

MATTER OF: Washington Patrol Service, Inc.

CNG 00363

**DIGEST:**

Bid which did not include bid bond was properly rejected despite bidder's assertion, supported by employees' affidavits, that bond was included with its bid package and was in Government's hands prior to bid opening. In absence of independent evidence to establish validity of bidder's assertion, bid may not be considered responsive.

Washington Patrol Service, Inc. (WPS) [protests Against Bid  
the rejection] of its bid under invitation for bids  
(IFB) No. GS-03C-90110, issued by the General Services  
Administration (GSA), Washington, D. C. The solicita-  
tion was for security guard services at Washington,  
D. C., locations. ACGPP 17

GSA states that when WPS' bid was opened no bid bond was found with the bid. The bid opening officer indicates a subsequent search of the bid room, regional finance office and all associated bid materials was conducted, but no bid bond was found. Consequently, GSA rejected the WPS bid as nonresponsive.

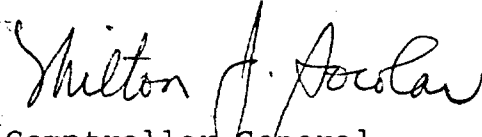
WPS has submitted a copy of the bid bond it allegedly submitted with its bid and affidavits of its employees to the effect that its bid, including a bid bond in the form of a cashier's check, was hand delivered to GSA, and that receipt of the bid bond was acknowledged by the bid opening officer. However, GSA employees at the bid opening have indicated that the bid bond was not found in the bid package and all efforts to locate the bid bond were unsuccessful. Thus, GSA's position is that no bid bond was included in the bid envelope.

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We note that the furnishing of a bid bond is a material requirement that cannot be waived, and that a failure to submit one prior to bid opening renders a bid non-responsive. Engineering Service Systems, Inc., B-192319, July 19, 1978, 78-2 CPD 53.

In a case on point, we held that a bid which did not include the bid bond was properly rejected despite the bidder's assertion, supported by affidavits of its employees, that the bond was included in its bid package and was in the Government's hands prior to bid opening. P. W. Parker, Inc., B-190286, January 6, 1978, 78-1 CPD 12. In that case, we noted that in the absence of evidence independent of that provided by the bidder to establish that the bond was submitted to the Government prior to bid opening, the bid may not be considered responsive. There is no such evidence presented here.

Accordingly, the protest is denied.



For the Comptroller General  
of the United States